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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,238	06/19/2001	Keiji Sato	1341.1098	9555

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT PAPER NUMBER

2623

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,238

Applicant(s)

SATO, KEIJI

Examiner

Michael Van Handel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/18/2006 has been entered.

Response to Amendment

1. This action is responsive to an Amendment filed 4/18/2006. Claims **1, 2, 4-8, 11-18** are pending. Claims **1, 4, 11, 13, 17** are amended. Claims **3, 9, 10** are canceled.

Response to Arguments

1. Applicant's arguments filed 4/18/2006 with respect to claims **1, 6, 7, 8, 11-18** have been considered, but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **8, 16** are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al.

Referring to claims **8** and **16**, Miller et al. discloses a receiving unit/method of receiving programs, broadcast by a broadcasting unit, by a receiving unit of a listener, the method comprising the steps of:

- receiving the program information about a program to be broadcast from the broadcasting unit and sponsor-recruiting information for recruiting a sponsor who pays for the cost of displaying an object displayed onto the display screen of the program (col. 8, l. 14-15 & col. 18, l. 14-18, 26-48);
- storing the program information and sponsor-recruiting information (col. 8, l. 24-27);
- outputting the stored program information and sponsor-recruiting information (Figs. 22-24A); and
- transmitting sponsor-designating information to the broadcasting unit for designating that the owner of the receiving unit becomes the sponsor who pays for the cost of displaying the object to said broadcasting unit (col. 18, l. 49-54).

3. Claims **1, 2, 6, 11-14, 17, 18** are rejected under 35 U.S.C. 102(e) as being anticipated by Rhoads et al.

Referring to claims **1, 2, 11, 13**, and **17**, Rhoads et al. discloses a computer-readable recording medium/broadcasting unit/method of broadcasting programs, executed by a

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broadcasting unit in a broadcasting system, said broadcasting system also including at least one receiving unit of a listener, the method comprising the steps of:

- reading program information from a program-information database provided in said broadcasting unit and image-analyzing the thus read-out program information (col. 8, l. 11-24 & Fig. 4);
- extracting an object appearing in a program which is to be broadcast so as to generate an object extraction table in accordance with the information of the time or frame and display position of the object on a screen (col. 5, l. 1-9; col. 6, l. 10-12; & col. 8, l. 24-26);
- generating advertisement information about the extracted object, which is carried out principally with reference to said object extraction table (col. 8, l. 14-17 & col. 19, l. 60-67);
- generating sync information to be used for synchronizing the program information with the advertisement information (col. 8, l. 24-26 & col. 10, l. 34-43); and
- transmitting the program information, advertisement information, and sync information to said receiving unit (col. 8, l. 17-18).

Referring to claims **6**, **12**, **14**, and **18**, Rhoads et al. discloses a computer-readable medium/method of broadcasting programs, executed by a broadcasting unit in a broadcasting system, said broadcasting system also including at least one receiving unit of a listener, the method comprising the steps of:

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- reading program information from a program-information database provided in said broadcasting unit and image-analyzing the thus read-out program information (col. 8, l. 11-24 & Fig. 4);
- extracting an object appearing in a program which is to be broadcast to generate an object extraction table in accordance with the information of the time or frame and display position of the object on a screen (col. 5, l. 1-9; col. 6, l. 10-12; & col. 8, l. 24-26);
- generating relevant information about the extracted object, which is carried out principally with reference to said object extraction table (col. 8, l. 14-17);
- generating sponsor-recruiting information for recruiting a sponsor who pays for the cost of displaying the extracted object (since a watermark is embedded in a video object within the currently viewed content, by buying or renting the currently viewed content the user is effectively paying for the cost of displaying that object when the content is watched again)(col. 15, l. 2-7 & col. 20, l. 23-28); and
- transmitting the program information and the sponsor-recruiting information to said receiving unit (col. 8, l. 17-18).

Further referring to claim **14**, Rhoads et al. discloses a sponsor-designating information receiver, which receives the sponsor-designating information for designating that the owner of the receiving unit becomes the sponsor who pays for the cost of displaying the object to said receiving unit (col. 15, l. 1-7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitsukawa et al. in view of Rhoads et al.

Referring to claims 7 and 15, Kitsukawa et al. discloses a receiving unit/method of receiving programs, broadcast by a broadcasting unit, by a receiving unit of a listener, the method comprising the steps of:

- receiving the program information about a program to be broadcast from the broadcast unit, relevant information about an object displayed onto the display screen of the program, which is generated in the broadcasting unit including the advertisement information about advertisement of the object, and sync information for synchronizing the program information with the relevant information from said broadcasting unit, said sync information including the information about the time at which the object is displayed or the frames that contain the object and storing the received program information, relevant information, and sync information and synchronously outputting the program information and relevant information in accordance with the stored sync information (col. 6, l. 54-60).

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Kitsukawa et al. does not disclose that the sync information include information about the display position at which the object is displayed. Rhoads et al. discloses a watermark that contains locations defining the screen locations of a related video object (col. 6, l. 10-12). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Kitsukawa et al. to include screen location information, such as that taught by Rhoads et al. in order to provide an editor with more control over the display of supplemental content.

6. Claims 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads et al. in view of Narayan.

Referring to claims 4 and 5, Rhoads et al. discloses the method according to claim 1. Rhoads et al. does not disclose that the advertisement information is the auction information about auction of the object, and the method further comprising the steps of:

- receiving purchase values of the object to be auctioned from said receiving unit;
- transmitting the highest value among the received purchase values;
- deciding the listener transmitting the highest price as a successful bidder of the object when broadcasting of the program information is completed; and
- transmitting information about the successful bidder to the receiving unit.

Narayan discloses encoding data (including the highest bid) relating to an auction item in a television signal (p. 5, l. 21-22), allowing a user to transmit a higher bid (p. 7, l. 6-8), and determining that the user has the highest bid and allowing the user to pay the bid amount and receive the item after the auction time has expired (p. 17, l. 11-13). It would have been obvious

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to one of ordinary skill in the art at the time that the invention was made to modify Rhoads et al. to include encoding data relating to an auction item, such as that taught by Narayan in order to enable viewers of television systems to participate in auctions (p. 2, l. 19-20).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jeannin et al. discloses embedding re-usable object-based product information in audiovisual programs for non-intrusive, viewer driven usage.

Clement discloses a system and method for distributing video from a plurality of video providers.

Basso et al. discloses a system and method of organizing data to facilitate access and streaming.

Aggarwal et al. discloses a method for optimizing profits in electronic delivery of digital objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571.272.7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

Michael Van Handel
Examiner
Art Unit 2623

MVH


CHRIS KELLEY
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